

FILED

JAN 09 2019

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY *[Signature]* DEP CLK

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)
117 ELLIS STREET,
CLINTON, NORTH CAROLINA 28328

Case No. **7:20-mj-1011-JG**

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A, incorporated herein by reference.

located in the Eastern District of North Carolina, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. 1425(a)&(b)
18 U.S.C. 1542

Offense Description
Procurement of Citizenship or Naturalization Fraudulently
False Statement in Application and Use of Passport

The application is based on these facts:
See attached affidavit

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Heidi Bridges
Applicant's signature

SA Heidi Bridges, Homeland Security Investigations
Printed name and title

JAMES E. GATES
Judge's signature

On this day, Heidi Bridges
appeared before me via reliable electronic means, was
placed under oath, and attested to the contents of this
Application for a Search Warrant.

Date: 9 JAN. 2020

City and state: Raleigh, North Carolina

JAMES E. GATES, United States Magistrate Judge
Printed name and title

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

1. I, Heidi Bridges, being duly sworn, depose and state that I am a Special Agent (SA) of the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI) and have been so employed for over four (4) years. I am assigned to the HSI Raleigh, North Carolina field office (HSI-Raleigh) and my duties include, among other things, investigating violations of Titles 8, 18, 19 and 21 of the United States Code. As part of these duties, I have led or participated in investigations involving criminal and/or administrative violations related to money laundering, narcotics trafficking, bulk cash smuggling, identity theft, immigration benefit fraud, human smuggling, human trafficking, the illegal entry and/or re-entry of aliens, and immigration status violators. Prior to reporting for assignment at HSI-Raleigh, I attended training at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, where I received instruction in Federal criminal statutes, search, seizure and arrest authority, use of force, and many other facets of federal and general law enforcement.

2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

3. This affidavit is made in support of a search warrant of the residence of an individual identified as Hector Daneri Regalado, also known as "Hector Daneri

Regalado Osorio," (hereafter referred to as "REGALADO")¹ located at 117 Ellis Street, Clinton, North Carolina 28328 (hereafter referred to as the "SUBJECT PREMISES"), located within the Eastern District of North Carolina. The SUBJECT PREMISES is more particularly described in Attachment A of this Affidavit.

4. Because this affidavit is being submitted for the limited purpose of securing a warrant to search the SUBJECT PREMISES, I have set forth only those facts that I believe are necessary to establish probable cause to believe that evidence, fruits, and instrumentalities of violations of 18 U.S.C. §§ 1425(a) and (b) (Procurement of Citizenship or Naturalization Unlawfully),² and 1542 (False Statement in Application and Use of Passport) (hereafter referred to as the "SPECIFIED FEDERAL OFFENSES") will be located at the SUBJECT PREMISES. More specifically, I seek authorization to locate items described in Attachment B and to seize those items as evidence, fruits, and instrumentalities of the SPECIFIED FEDERAL OFFENSES.

*At
direction
of
Affiant.
JG*

(indication attached as Attachment C).

¹ See United States v. Hector Daneri Regalado, 5:19-CR-499-1D (under seal)

² 18 U.S.C. § 1425 provides that "(a) Whoever knowingly **procures or attempts to procure, contrary to law, the naturalization** of any person, or documentary or other evidence of naturalization or of citizenship; or (b) Whoever, whether for himself or another person not entitled thereto, knowingly issues, **procures or obtains or applies for** or otherwise attempts to procure or obtain naturalization, or citizenship, or a declaration of intention to become a citizen, or a certificate of arrival or any certificate or evidence of **nationalization or citizenship**, documentary or otherwise. . . [s]hall be fined under this title or imprisoned[.]" (emphasis added).

OPERATION FALSE HAVEN

5. I am currently assigned to the HSI Document and Benefit Fraud Task Force (DBFTF) Raleigh, North Carolina.
6. In October of 2019, Immigration and Customs Enforcement (ICE), Enforcement Removal Operations (ERO), HSI, U.S. Citizenship and Immigration Services (USCIS), and other members of the DBFTF, identified possible fraud concerning those aliens that have been convicted of sexual offenses, and were granted U.S. citizenship. As a result, the DBFTF launched Operation False Haven, an ongoing investigation designed to identify individuals who fraudulently obtained U.S. citizenship via naturalization. The information regarding this affidavit is either known to me directly or I have obtained the information by speaking with other law enforcement agencies, or reviewing reports and other materials relating to this matter.

7. Operation False Haven began with a comprehensive review of the registered sex offenders in North Carolina during the preceding 10-year period.³ This process produced numerous matches to naturalized U.S. citizens. One of those persons identified was REGALADO.

³ The statute of limitations for 18 U.S.C § 1425 is ten-years. See 18 U.S.C. § 3291.

IMMIGRATION HISTORY OF REGALADO

8. In the course of investigating this matter, I have reviewed the official A-File, numbered A078 593 742, related to this individual which reflects the following information:

- a. REGALADO was born in Honduras on XXXX XX, 1975.
- b. On or about May 12, 2003, REGALADO was granted permanent resident status by the United States Immigration and Naturalization Service (INS).
- c. On or about March 26, 2010, in Sampson County, N.C., REGALADO completed *Form N-400 Application for Naturalization* and submitted it to USCIS. Page eight of that document contains a series of questions related to good moral character. Question 15 asks: "Have you ever committed a crime or offense for which you were not arrested?" REGALADO checked the box corresponding with "No."⁴ The final page of the N-400 contains the signature block. The text immediately above the block reads "I certify, under penalty of perjury under the laws of the United States of America, that this application, and the evidence submitted with it, are all true and correct." REGALADO signed the document and submitted it to USCIS via certified mail.

⁴ As mentioned below, REGALADO failed to disclose that he had committed the offense of indecent liberties with a child on March 24, 2007.

- d. On or about August 9, 2010, in Durham, N.C., REGALADO appeared in person at the USCIS office. REGALADO was placed under oath by a USCIS officer and swore under penalty of perjury that all of his responses on the N-400 were true and correct.
- e. On or about August 13, 2010, in Durham, N.C., REGALADO appeared in person at the USCIS office and completed a document entitled *N-455 Notice of Naturalization Oath Ceremony*. Question three of that document asks: "AFTER the date you were first interviewed on your Application for Naturalization, have you knowingly committed any crime or offense, for which you have not been arrested?" REGALADO checked the box corresponding with "No". REGALADO then signed the N-455, again certifying that his answers were true and correct. Immediately thereafter, REGALADO participated in the Naturalization Oath Ceremony and was granted U.S. citizenship.

CRIMINAL HISTORY OF REGALADO

- 9. In the course of investigating this matter, I have reviewed official local, state, and federal criminal records relating to REGALADO which contain the following information:
 - a. On or about November 10, 2011, in Sampson County, N.C., REGALADO was arrested by local authorities based on an arrest warrant issued by Sampson County Magistrate G.C. Hollingsworth charging REGALADO with first-degree sex offense with a child, statutory rape, and indecent

- liberties with a child. Based on a review of the Warrant of Arrest that was served on REGALADO at the time of arrest, the date of offense was listed as March 24, 2006, through March 23, 2009.
- b. On or about July 2, 2012, in the Superior Court of North Carolina in Sampson County, a grand jury returned a true bill of indictment charging that between March 24, 2006, and March 23, 2007, REGALADO committed the crimes of statutory sexual offense by an adult, and two counts of indecent liberties with a child.
- c. On or about September 19, 2012, in the Superior Court of North Carolina in Sampson County, REGALADO was convicted of indecent liberties with a child and mandated to register as a sex offender. The date of offense listed on the judgment is March 24, 2007.

APPLICATION FOR UNITED STATES PASSPORT

10. On or about August 13, 2010, in Sampson County, N.C., REGALADO signed and submitted a form entitled *DS-11 Application for a U.S. Passport* to the U.S. Department of State (DOS). As proof of citizenship and eligibility, REGALADO presented his Naturalization Certificate.
11. On or about September 7, 2010, DOS approved the application and issued REGALADO a U.S. passport. A U.S. Passport constitutes evidence of U.S. citizenship.⁵

⁵ See *Proof of U.S. Citizenship and Identification When Applying for a Job*, available at <https://www.uscis.gov/us-citizenship/proof-us-citizenship-and-identification-when-applying>.

**EVIDENCE THAT THE IMMIGRATION AND CRIMINAL HISTORIES
ABOVE IDENTIFY THE SAME PERSON**

12. On November 13, 2019, the fingerprints taken by local law enforcement subsequent to REGALADO'S arrest in Sampson County on November 10, 2011, were electronically submitted to ICE and FBI databases which resulted in a positive biometric match to the fingerprints submitted in conjunction with REGALADO'S application for naturalization.

ADDITIONAL FINDINGS

13. On or about November 27, 2019, ICE/ERO personnel contacted the Sex Offender Registration Unit within the Sampson County Sheriff's Department and learned that REGALADO appeared in person at their office on October 1, 2019, and completed a form CJIS-90 *Verification of Information*. On that document, REGALADO listed his residence as the SUBJECT PREMISES. Under the portion of the form labeled 'vehicles' REGALADO listed a white in color 2004 S-Type Jaguar. The handwritten license plate number provided by REGALADO is illegible.

14. On or about November 11, 2019, ICE/ERO personnel conducted a search of a consolidated law enforcement database. The database indicates that REGALADO's current address is the SUBJECT PREMISES.

15. On or about January 6, 2020, HSI conducted surveillance of the SUBJECT PREMISES. HSI observed a white in color 2004 Jaguar vehicle parked on

a job (last visited January 3, 2020) ("Your U.S. passport is your best proof of U.S. citizenship").

the right side of the SUBJECT PREMISES. The Jaguar has a NC license plate bearing: "NYAH R", which is registered to "Regalado Services and Salvage." No persons were observed outside of the SUBJECT PREMISES.

16. On or about January 6, 2020, Clinton Police Department conducted surveillance at "Regalado Automotive Repair Shop" at 711 N E Boulevard in Clinton, NC. Clinton Police Department spoke with REGALADO at the shop who stated he works at the shop Monday through Friday from 8:00 am to 6:00 pm.

17. On or about January 6, 2020, HSI received information from Clinton Police Department that the Clinton water bill at the SUBJECT PREMISES is registered to Hector Regalado and Henry Lopez.

18. On or about January 7, 2020, HSI received information from a United States Postal Inspector that REGALADO and his wife, Carla, receive mail at the SUBJECT PREMISES.

BENEFIT FRAUD CHARACTERISTICS

19. Based on my knowledge, training, and experience, and from discussions with other law enforcement officers involved in benefit fraud investigations, I know that persons born abroad who immigrate to the United States, due to requirements set as part of past legislative changes relative to immigration policy, retain documents and other records relative to their entry into the United States, length of time in the United States, immigration filings, criminal histories, and familial history. I know that such persons retain identity documents, including both legitimate documents and fraudulent documents, and that they store these records

for significant periods of time, often their entire lifetime. I know that these documents are typically stored by such persons within their residence so that they are readily available to them if questions arise regarding their immigration status or history, or in order to apply for new benefits, or with specific regard to passports, in order to facilitate travel.

20. Additionally, I know that those aliens who become U.S. citizens have the ability to apply for or petition for other family members or spouses. In the majority of these cases a visa would be immediately available. Further, I know that once an alien becomes a U.S. citizen, they would possibly have the potential to transmit citizenship automatically to children

21. Based on the aforementioned information, and based on my knowledge, training, and experience, I expect to find evidence of the SPECIFIED FEDERAL OFFENSES, such as REGALADO's naturalization certificate and U.S. Passport, at the SUBJECT PREMISES.

CONCLUSION

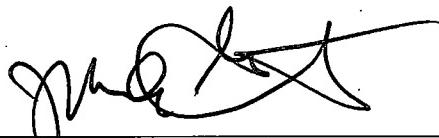
22. Based on the above information, there is probable cause to believe that the SPECIFIED FEDERAL OFFENSES have been violated and that the items listed in Attachment B are to be located at the SUBJECT PREMISES.

[remainder of page intentionally left blank]

23. Based on the above information, I respectfully request that this Court issue a warrant to search the SUBJECT PREMISES, which is more particularly described in Attachment A, and to authorize the seizure of the items described in Attachment B.


Heidi Bridges
Special Agent
Homeland Security Investigations

On this 9 day of January 2020, Special Agent Heidi Bridges, appeared before me via reliable electronic means, was placed under oath, and attested to the contents of this Affidavit.


JAMES E. GATES
United States Magistrate Judge

ATTACHMENT A

PREMISES TO BE SEARCHED

117 Ellis Street, Clinton, North Carolina 28328
("SUBJECT PREMISES")

The SUBJECT PREMISES is located within the Eastern District of North Carolina in Sampson County. The SUBJECT PREMISES is located between 5 Bridges Road and Wiley Honeycutt Lane near the intersection of Highway 421 and Susan Street in Clinton, North Carolina. The SUBJECT PREMISES is a single-story ranch-style single family home. The exterior of the SUBJECT PREMISES is constructed of white wood over a brick foundation with four front-facing windows offset by black shutters and a 4-column front porch. A wooden column to the left of the front door is marked "117" in black numerals. The below photograph was taken on or about January 6, 2020.



ATTACHMENT B

PARTICULAR ITEMS TO BE SEARCHED FOR AND SEIZED

This warrant authorizes (i) the search of the SUBJECT PREMISES as described in Attachment A for only the following and (ii) authorizes the seizure of the items listed below only to the extent they constitute the following:

- a. Evidence of violations of the below offenses ("SPECIFIED FEDERAL OFFENSES"):
 1. Title 18, U.S.C., § 1425(a) – Procurement of Citizenship or Naturalization Unlawfully; or
 2. Title 18, U.S.C., § 1425(b) – Procurement of Citizenship or Naturalization Unlawfully; or
 3. Title 18, U.S.C., § 1542 – False Statement in Application and Use of Passport
- b. Any item constituting contraband due to the SPECIFIED FEDERAL OFFENSES, fruits of the SPECIFIED FEDERAL OFFENSES, or other items possessed whose possession is illegal due to the SPECIFIED FEDERAL OFFENSES; or
- c. Any property designed for use, intended for use, or used in committing any of the SPECIFIED FEDERAL OFFENSES.

Subject to the foregoing, the items authorized to be seized include the following:

- a. Identity documents and other records, whether legitimate or fraudulent, relating to Hector Daneri Regalado, also known as "Hector Daneri Regalado Osorio," ("REGALADO") including, but not limited to birth certificates, voter registration cards, passports, social security cards, driver's licenses, lawful permanent resident cards, or applications or duplicate issuances of such documents; and
- b. Documents and records relating to immigration applications and petitions for REGALADO, including but not limited to naturalization applications, applications to adjust status, naturalization certificates, notices of naturalization oath ceremony, and LPR cards; and

- c. Documents or other records related to previous encounters with immigration officials, including, but not limited to notices of interviews; and
- d. Documents, stamps, records, and commercial travel reservations reflecting REGALADO'S entry into and exit from all countries including the United States; and
- e. All records, in whatever form, of personal or business activities relating to the operation, dominion, and control of the SUBJECT PREMISES; and
- f. Documents, records and/or other evidence that may relate to the aforementioned items but that are in a foreign language and require translation; and
- g. Any other items that are evidence, fruits, or instrumentalities of a violation of the aforementioned SPECIFIED FEDERAL OFFENSES; and
- h. Any documents including applications, petitions, or working papers, reflecting that REGALADO utilized his U.S. citizenship status to petition or apply for others either through the visa process or derivation.

Attachment C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:19-cr-499-ID(1)

UNITED STATES OF AMERICA)
)
)
v.)
)
HECTOR DANERI REGALADO)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

On or about March 26, 2010, in the Eastern District of North Carolina and elsewhere, the defendant, HECTOR DANERI REGALADO, did knowingly attempt to procure his naturalization as a United States citizen contrary to law, by making a false statement under oath regarding his naturalization application, that is, on Part 10, Question 15 of his Application for Naturalization (Form N-400), in response to the question "Have you ever committed a crime or offense for which you were not arrested?" he answered "No" when in fact, as he then knew, he had committed the crime of indecent liberties with a child on March 24, 2007, in Sampson County, North Carolina.

All in violation of Title 18, United States Code, Section 1425(a).

COUNT TWO

On or about August 9, 2010, in the Eastern District of North Carolina and elsewhere, the defendant, HECTOR DANERI REGALADO, did knowingly attempt

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ON 12-11-2019
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC
JATK

to procure his naturalization as a United States citizen contrary to law, by making a false statement under oath regarding his naturalization application, that is, on Part 10, Question 15 of his Application for Naturalization (Form N-400), in response to the question "Have you ever committed a crime or offense for which you were not arrested?" he answered "No" when in fact, as he then knew, he had committed the crime of indecent liberties with a child on March 24, 2007, in Sampson County, North Carolina.

All in violation of Title 18, United States Code, Section 1425(a).

COUNT THREE

On or about August 13, 2010, in the Eastern District of North Carolina and elsewhere, the defendant, HECTOR DANERI REGALADO, did knowingly procure his naturalization as a United States citizen contrary to law, by making a false statement under oath regarding his naturalization application, that is, on Part 10, Question 15 of his Application for Naturalization (Form N-400), in response to the question "Have you ever committed a crime or offense for which you were not arrested?" he answered "No" when in fact, as he then knew, he had committed the crime of indecent liberties with a child on March 24, 2007, in Sampson County, North Carolina.

All in violation of Title 18, United States Code, Section 1425(a).

COUNT FOUR

On or about August 13, 2010, in the Eastern District of North Carolina and elsewhere, the defendant, HECTOR DANERI REGALADO, did knowingly apply for, and attempt to procure evidence of citizenship for himself, to which he was not entitled, that is, the defendant applied for a United States passport and submitted as proof of his United States citizenship a Certificate of Naturalization, when in truth and in fact, as the defendant then and there well knew, the Certificate of Naturalization submitted as proof of United States citizenship was obtained by a false statement, in violation of Title 18, United States Code, Section 1425(b).

COUNT FIVE

On or about August 13, 2010, in the Eastern District of North Carolina, the defendant, HECTOR DANERI REGALADO, did willfully and knowingly make a false statement in an application for a passport with intent to induce and secure for his own use the issuance of a passport under the authority of the United States, contrary to the laws regulating the issuance of such passports and the rules prescribed pursuant to such laws, in that in such application the defendant submitted as proof of his United States citizenship a Certificate of Naturalization, when in truth and in fact, as the defendant then and there well knew, the Certificate of Naturalization submitted as proof of United States citizenship was obtained by a false statement, in violation of Title 18, United States Code, Section 1542.

COUNT SIX

On or about September 7, 2010, in the Eastern District of North Carolina and elsewhere, the defendant, HECTOR DANERI REGALADO, did knowingly obtain evidence of citizenship for himself, to which he was not entitled, that is, the defendant obtained a United States passport by means of an application in which as proof of his United States citizenship he submitted a Certificate of Naturalization, when in truth and in fact, as the defendant then and there well knew, the Certificate of Naturalization submitted as proof of United States citizenship was obtained by a false statement, in violation of Title 18, United States Code, Section 1425(b).

A TRUE BILL
REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

DATE: 12/11/10

ROBERT J. HIGDON, JR.
United States Attorney

Sebastian Kielmanovich
BY: SEBASTIAN KIELMANOVICH
Assistant United States Attorney